

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Registrant : Reserve Management Corporation  
Reg. No. : 2,694,910  
Registered : March 11, 2003  
Mark : RESERVE INSURED DEPOSITS

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

"Express Mail" mailing label No.: EV 591328211 US  
Date of Deposit: October 18, 2006

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451.

Name: Ruth Artis-McLeod  
Signature: *Ruth Artis-McLeod*

**DECLARATION OF BRUCE BENT II**

BRUCE BENT II declares:

1. I am the Vice Chairman and President of Registrant, Reserve Management Corporation, a New Jersey Corporation with a principal place of business at 1250 Broadway, New York, NY 10001 ("Registrant"), and am authorized to make this Declaration on behalf of Registrant. Except where indicated otherwise, I make this Declaration based on personal knowledge.

2. I understand from my attorney that the date of first use and first use in commerce recited in the above-identified registration (the "Registration") is October 9, 1997. My attorney has advised me that the terms "first use" and "first use in commerce" generally mean the date the services listed in an application were first used or displayed in the sale or advertising of services and the services were rendered in commerce. Based on this understanding, I believe the dates of first use and first use in commerce recited in the Registration in connection with the RESERVE INSURED DEPOSIT mark (the "Mark") are inaccurate.

3. Beginning on October 9, 1997, Registrant performed computer tests for the services listed in the Registration, namely, financial services, namely, providing insured money market account services (the "Services"). The Services were provided to internal corporate accounts, not real customers. Registrant did not provide the Services to any real customers on that date, nor were the Services even offered for sale or advertised on that date. A ledger documenting transactions involving the Services is annexed hereto as Exhibit 1.<sup>1</sup> The transactions for October 9, 1997, as well as several other dates, are internal corporate transactions. All the transactions listed with "BRES" as the AGN ID are internal corporate transactions. These types of test runs are typical of how Registrant launches all new products.

4. My attorney has also advised me that to be prudent, Registrant should list as the dates of first use and first use in commerce the earliest date for which Registrant can document use of the Mark in connection with the Services.

5. As evidenced from the ledger of Exhibit 1, Registrant's first customer for the Services opened his account on October 23, 1997 and performed his first transaction on October 24, 1997. However, Registrant does not have any documents confirming that the Mark was used in connection with the Services at that time, and therefore, my attorney has advised me that Registrant should not seek to list this date as the dates of first use and first use in commerce.

6. Registrant has in its files a copy of an advertisement which ran in a newsmagazine dated December, 1997 in which the Mark is used in connection with the Services. A copy of the advertisement is annexed hereto as Exhibit 2. Registrant's staff

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<sup>1</sup> The names of customers who are individuals, as well as all customer ID's have been redacted for confidentiality reasons.

has, at my instruction, inspected Registrant's transaction records for the Services and those records confirm that there are no documents which evidence use of the Mark in commerce before this date. My attorney has advised me that, based on the foregoing, we should list as least as early as December, 1997 as the dates of first use and first use in commerce.

7. Although I do not have a specific recollection as to why October 9, 1997 was listed as the dates of first use and first use in commerce, I believe it was based upon a misunderstanding on the part of the person completing the trademark application for the Mark as to what occurred on that date (testing rather than actual sales).

8. All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further, these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or document or any registration resulting therefrom.

BRUCE BENT II

Date: Oct 17, 2006

  
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## FA/FB ACCOUNT 1997 FIRST TRANSACTIONS

TRX TYPES: PU, PP, TA, PT

FIRST TRX	OPEN DATE	CUST ID	AGN ID	TAX NAME	PORT CODE
1997-10-09	1997-10-09	[REDACTED]	BRES	RESERVE INSURED DEPOSITS (RETA	FA
1997-10-09	1997-10-09	[REDACTED]	BRES	RESERVE INSURED DEPOSIT (BROKE	FB
1997-10-24	1997-10-23	[REDACTED]	RSV	[REDACTED]	FA
1997-10-28	1997-10-27	[REDACTED]	RSV	[REDACTED]	FA
1997-10-31	1997-10-09	[REDACTED]	BRES	RESERVE INSURED DEPOSIT (RETAIL	FA
1997-10-31	1997-10-09	[REDACTED]	BRES	RESERVE INSURED DEPOSIT (RETAIL	FA
1997-11-17	1997-11-14	[REDACTED]	RSV	WEST LAKE CORPORATION	FA
1997-11-18	1997-11-18	[REDACTED]	RSV	[REDACTED]	FA
1997-11-19	1997-11-18	[REDACTED]	RSV	[REDACTED]	FA
1997-11-19	1997-11-18	[REDACTED]	RSV	[REDACTED]	FA
1997-11-20	1997-08-19	[REDACTED]	RSV	[REDACTED]	FA
1997-11-20	1997-11-19	[REDACTED]	RSV	[REDACTED]	FA
1997-11-28	1997-10-09	[REDACTED]	BRES	RESERVE INSURED DEPOSIT (RETAIL	FA
1997-11-28	1997-11-28	[REDACTED]	BREF	[REDACTED]	FA
1997-12-03	1997-12-01	[REDACTED]	RSV	[REDACTED]	FA
1997-12-03	1997-12-02	[REDACTED]	BINC	[REDACTED]	FB
1997-12-05	1997-12-05	[REDACTED]	RSV	[REDACTED]	FA
1997-12-10	1997-12-08	[REDACTED]	BREF	[REDACTED]	FA
1997-12-12	1997-12-11	[REDACTED]	RSV	[REDACTED]	FA
1997-12-15	1997-12-08	[REDACTED]	BINC	[REDACTED]	FB
1997-12-17	1997-11-17	[REDACTED]	BINC	[REDACTED]	FB
97-12-19	1997-12-18	[REDACTED]	BINC	[REDACTED]	FB
1997-12-19	1997-12-18	[REDACTED]	BINC	[REDACTED]	FB
1997-12-23	1997-10-09	[REDACTED]	BRES	RESERVE INSURED DEPOSIT (BROKE	FB
1997-12-29	1997-12-24	[REDACTED]	RSV	[REDACTED]	FA
1997-12-31	1997-10-09	[REDACTED]	BRES	RESERVE INSURED DEPOSIT (BROKE	FB
1998-01-05	1997-10-09	[REDACTED]	BRES	RESERVE INSURED DEPOSIT (RETAIL	FA
1998-02-20	1997-05-19	[REDACTED]	RSV	[REDACTED]	FA
1998-03-03	1997-10-09	[REDACTED]	BRES	RESERVE INSURED DEPOSIT (BROKE	FB
1998-03-04	1997-10-09	[REDACTED]	BRES	RESERVE INSURED DEPOSIT (BROKE	FB
1998-06-24	1997-10-08	[REDACTED]	BBRY	[REDACTED]	FB
2001-01-26	1997-01-23	[REDACTED]	BDLA	DELAWARE CHARTER GUARANTEE &	FB
2001-01-26	1997-03-14	[REDACTED]	BDLA	DELAWARE CHARTER GUARANTEE &	FB
2001-01-26	1997-04-21	[REDACTED]	BDLA	DELAWARE CHARTER GUARANTEE &	FB
2001-01-28	1997-05-27	[REDACTED]	BDLA	DELAWARE CHARTER GUARANTEE &	FB
2001-01-26	1997-05-28	[REDACTED]	BDLA	DELAWARE CHARTER GUARANTEE &	FB
2001-01-26	1997-06-05	[REDACTED]	BDLA	DELAWARE CHARTER GUARANTEE &	FB
2001-01-26	1997-07-09	[REDACTED]	BDLA	DELAWARE CHARTER GUARANTEE &	FB
2001-01-26	1997-08-13	[REDACTED]	BDLA	DELAWARE CHARTER GUARANTEE &	FB
2001-01-26	1997-08-18	[REDACTED]	BDLA	DELAWARE CHARTER GUARANTEE &	FB
2001-01-26	1997-08-21	[REDACTED]	BDLA	DELAWARE CHARTER GUARANTEE &	FB
2001-01-26	1997-09-09	[REDACTED]	BDLA	DELAWARE CHARTER GUARANTEE &	FB
2001-01-26	1997-10-17	[REDACTED]	BDLA	DELAWARE CHARTER GUARANTEE &	FB
2001-01-26	1997-11-04	[REDACTED]	BDLA	DELAWARE CHARTER GUARANTEE &	FB
2001-01-26	1997-11-05	[REDACTED]	BDLA	DELAWARE CHARTER GUARANTEE &	FB
2001-01-26	1997-11-21	[REDACTED]	BDLA	DELAWARE CHARTER GUARANTEE &	FB

REDACTED

FIRST TRX	OPEN DATE	CUST ID	AGN ID	TAX NAME	PORT CODE
2001-01-26	1997-12-05	[REDACTED]	BDLA	DELAWARE CHARTER GUARANTEE &	FB
2001-01-26	1997-12-05	[REDACTED]	BDLA	DELAWARE CHARTER GUARANTEE &	FB
2001-03-15	1997-07-03	[REDACTED]	RSV	[REDACTED]	FA
2001-09-20	1997-01-10	[REDACTED]	BFER	[REDACTED]	FB
2001-09-20	1997-03-07	[REDACTED]	BFER	FERRIS BAKER WATTS	FB
2001-09-20	1997-07-30	[REDACTED]	BFER	FERRIS BAKER WATTS	FB
2001-09-20	1997-07-30	[REDACTED]	BFER	FERRIS BAKER WATTS	FB
2001-09-21	1987-01-03	[REDACTED]	BFER	FERRIS BAKER WATTS	FB
2001-09-21	1997-09-30	[REDACTED]	BDLA	DELAWARE CHARTER GUARANTEE &	FB
2001-09-25	1997-04-18	[REDACTED]	BDLA	[REDACTED]	FB
2001-09-25	1997-04-18	[REDACTED]	BDLA	[REDACTED]	FB
2001-10-09	1997-03-04	[REDACTED]	BBRY	[REDACTED]	FB
2003-06-05	1997-09-09	[REDACTED]	BAME	[REDACTED]	FB
2003-06-19	1997-04-14	[REDACTED]	BAME	[REDACTED]	FB
2003-08-13	1997-12-08	[REDACTED]	BAME	[REDACTED]	FB

REDACTED

1993 after proposed reforms sent stocks plunging, and he took advantage of temporarily depressed prices in technology in 1994 and earlier this year. "Growth stocks are very attractive when people throw in the towel," he says.

The manager pinpoints the start of the current upswing in small-caps to the capital gains tax cut. It gives people the incentive to invest for the long term, and that usually moves folks into the secondary and tertiary stocks."

McCrickard is bullish on small companies. He can afford to be with a fund that has beaten the Russell 2000 index of small-cap stocks 149% to 143% during his tenure. Better still, this fund bucks the law of av-

erages by providing plenty of downside protection, as evidenced by its above-average "B" Down Market Rank.



Gregory McCrickard

## Sector Sensation

Most sector funds quickly go in and out of vogue. A few—very few—just go up and up and up. In 1996 and 1997, we picked Fidelity Select Regional Banks as our sector favorite. (It's doubled over the two-year period.) This year, we stay in the same sector, but pick a different fund—closed-end Southeastern Thrift and Bank. It's also

Contributor

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For portfolio manager Michael Price, buying "cheap" stocks means paying fifty or sixty cents for a dollar of value. With a skill that is the envy of competing portfolio managers, Price assesses value through fundamental measures, including tangible assets, earnings, and cash flows. He doesn't make investment decisions based on market calls; security selection is a purely "bottom-up" company-by-company scrutinization of underlying value. The goal, and the result: Superior risk-adjusted returns.

Errating for value often leads Price to obscure securities overlooked by the Wall Street masses. The fund owns companies involved in mergers, turnarounds, reorganizations, even bankruptcies. And when domestic equities move too far too

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as of 10/17/97

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Name: Ruth Artis-McLeod  
Signature: Ruth Artis-McLeod

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

**REQUEST TO AMEND REGISTRATION  
PURSUANT TO T.M.E.P. § 1609.07 TO CHANGE  
DATES OF FIRST USE AND FIRST USE IN COMMERCE**

Pursuant to T.M.E.P. § 1609.07, Registrant Reserve Management Corporation ("Registrant") respectfully requests that the Patent and Trademark Office issue a new Certificate of Registration amending the dates of first use and first use in commerce from October 9, 1997 to at least as early as December 31, 1997, and update the records of the Patent and Trademark Office to reflect the new dates.

**I. Argument**

The Trademark Manual of Examining Procedure allows a registrant to amend the dates of first use and first use in commerce recited in its registration under certain circumstances. T.M.E.P. § 1609.07. Specifically, the owner of a registration which was filed on the basis of use can amend the dates of first use and first use in commerce provided that the amended dates are later than the filing date of the original application. *See id.* ("The USPTO will accept an amendment changing the dates of use, even if the amended dates are later than the dates originally set forth in the registration ...

However, . . . If the application for the registration was based on use in commerce . . . , the registration cannot be amended to specify a date of use that is later than the application filing date.”).

In the instant case, Registrant seeks to amend the dates of first use and first use in commerce from October 9, 1997 to at least as early as December 31, 1997. As explained in the accompanying Declaration of Registrant’s Vice Chairman and President, Bruce Bent II (the “Bent II Decl.”), the December 31, 1997 date is the earliest date for which Registrant is certain that the services listed in the Registration - financial services, namely, providing insured money market account services (the “Services”) - were rendered in commerce in connection with the RESERVE INSURED DEPOSITS Mark. Bent Decl. at Par. 6.

The date of first use and first use commerce currently recited in the Registration - October 9, 1997, is inaccurate. As indicated in Mr. Bent’s Declaration, although a test account was opened on this date, the Services were not rendered to an actual customer on this date. *Id.* at Par. 3. The inaccurate date was the result of a good faith mistake. *See Id.* at Par. 7.

Since the Registration was filed on September 21, 2001, the new date Registrant proposes to use is still well before the filing date, and therefore, is acceptable pursuant to T.M.E.P. § 1609.07. Accordingly, it is respectfully requested that the dates of first use and first use in commerce be amended from October 9, 1997 to at least as early as December 31, 1997.




Pursuant to T.M.E.P. § 1609.01(b), Registrant is enclosing, in addition to Mr. Bent's Declaration, a check in the amount of \$100 to cover the cost of issuing the new Certificate. Please charge any deficiency to our Deposit Account No. 01-1785.

Respectfully submitted,

AMSTER, ROTHSTEIN & EBENSTEIN LLP  
Attorneys for Registrant  
90 Park Avenue  
New York, New York 10016  
(212) 336-8000

Dated: New York, New York  
October 18, 2006

By:   
Anthony F. Lo Cicero  
Holly Pekowsky